

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

CODIFIED ORDINANCE NO. 13
*(as Adopted 8/9/2001 and amended through
01/14/2016)*

An Ordinance Regarding Prohibited Conduct Onboard Transit Vehicles
and Prohibited Actions on or About a Transit Facility, Trolley Station, or Bus Stop

The Board of Directors of the San Diego Metropolitan Transit System (MTS) does ordain as follows:

Section 13.1: General

The use of the San Diego Metropolitan Transit System (MTS) facilities shall be conditioned upon the observance of this ordinance or any rules and regulations hereafter promulgated by MTS or pursuant to its authority; all rights, privileges, licenses and permits, express or implied, for the use of MTS facilities are revocable; and each such right, privilege, license or permit shall at the option of MTS or its duly authorized representative be revoked and canceled by and upon the breach of this ordinance or of the violation while in or upon MTS facilities or any applicable laws or ordinances.

Nothing herein contained or omitted from this ordinance shall be construed to relieve any person whatsoever from exercising all reasonable care to avoid or prevent injury or damage to persons or property.

Any requirement or provision of these rules relating to any prohibited act shall respectively extend to and include the causing, procuring, aiding or abetting, directly or indirectly, of such act; or the permitting or the allowing of any minor in the custody of any person, doing any act prohibited by a provision hereof.

Any act otherwise prohibited by these rules shall be lawful if performed under, by virtue of, and strictly in compliance with the provisions of an agreement, permit, or license issued or approved by MTS and/or San Diego Trolley, Inc. (SDTI), and/or San Diego Transit Corporation (SDTC), and to the extent authorized thereby.

These rules are in addition to and supplement all applicable laws or ordinances.

Section 13.2: Definitions

The following terms, as used in this ordinance shall, unless otherwise expressly stated or unless the context clearly requires a different interpretation, have the following meaning.

A. Bicycle - A "bicycle" is a device upon which any person may ride, propelled exclusively by human power through a belt, chain, or gears, and having two wheels.

B. Bus - A "bus" is any motor vehicle, other than a motor truck or truck tractor, designed for carrying more than 10 persons including the driver, and used or maintained for the transportation of passengers, except that any motor vehicle, other than a motor truck or truck tractor, designed for carrying not more than 12 persons, including the driver, which is maintained and used in the nonprofit transportation of adults to and from a work location as part of a carpool program or when transporting only members of the household of the owner thereof, shall not be considered to be a bus for the purposes of this section.

C. Bus Stop - A "bus stop" is a designated area marked by a sign depicting a specific route number or numbers for the loading and unloading of passengers from or onto a bus, which may or may not include a bench or shelter.

D. Elderly – The “elderly” is any person that is age 65 or older.

E. Facility or Transit Facility – A “facility” or “transit facility” includes, but is not limited to, transit centers, trolley stations, bus shelters, bus stops on public or private property, parking lots and or lands or properties that are utilized, owned, operated or controlled by MTS, its contractors or its subsidiaries.

F. Individuals with Disabilities – “Individuals with Disabilities” is an individual with a physical or mental impairment that substantially limits one or more of the major life activities of that individual and any individual who identifies to MTS personnel that the individual has a disability. This definition shall only be applicable for purposes of this Priority Seating and Wheelchair/Securement Area Policy and is intended to follow the ADA DOT Definition of Individuals with Disabilities.

G. Pedestrian – A “pedestrian” is any person who is afoot or who is using a means of conveyance propelled by human power other than a bicycle.

H. Priority Seating (Fixed Route Bus) – “Priority Seating” for Fixed Route Buses means the second row of forward-facing seats that are designated seating for individuals with disabilities and the elderly and is marked as such by signage. Priority Seating is different than the Wheelchair / Securement Area.

I. Priority Seating (Trolley) – “Priority Seating” for Trolleys means the seats immediately adjacent to trolley doors that are designated seating for individuals with disabilities and the elderly and is marked as such by signage.

J. Securement Area (Fixed Route Bus) – “Securement Area” for Fixed Route Buses means the front fold-down seats that are the designated area for securing a wheelchair and is marked as such by signage.

K. Tailgate – Any person standing, sitting, or remaining in the area of a vehicle, chair, table, ice-chest, barbeque, or similar device for the purpose of consuming any food or beverage, or for the purpose of socializing before during or at the conclusion of an event.

L. Trolley – A “trolley” is a vehicle which is propelled by electric power obtained from overhead trolley wires and is operated upon rails.

M. Trolley Station – A “trolley station” is a designated area marked by a sign depicting a specific rail service line; i.e., Orange, Blue, Red, Green, etc., for the loading and unloading of passengers from or onto a trolley, which may or may not include a bench or shelter.

N. Transit Vehicle – A “transit vehicle” shall mean buses and trolleys or any other form of public conveyance utilized, owned, operated or controlled by MTS, their contractors or its subsidiaries.

O. Validator – A “Validator” is a device or machine used for tapping a Compass Card prior to a passenger boarding a bus or trolley.

P. Wheelchair Area (Trolley) – “Wheelchair Area” for Trolleys means the designated fold-down seats and floor space immediately adjacent to a trolley door equipped with a lift or ramp and is marked as such by signage.

Q. Wheelchair – A “wheelchair” is a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered. This definition of wheelchair does not include devices not intended for indoor uses (e.g. golf carts or all-terrain vehicles), devices not primarily designed to assist individuals with mobility impairments (e.g. tricycles, shopping carts or skateboards) or devices

that that are used in ways that depart from or exceed their intended use (e.g. sitting in a walker that has built-in seats to ride in the wheelchair / securement area). This definition also does not include a wheelchair and occupant if the combined weight exceeds that of the lift and ramp specifications or if carriage of the wheelchair is demonstrated to be inconsistent with legitimate safety concerns. This definition is intended to follow the ADA DOT Definition of Wheelchairs.

Section 13.3: Fares

Passengers shall be permitted on a transit vehicle or in a transit station utilized, owned, operated or controlled by MTS or its subsidiaries or contractors only upon payment of such fares and under such circumstances as may from time to time be ordained by MTS. It is unlawful for any person to refuse to pay, or to evade or attempt to evade the payment of such fares.

It is unlawful for any person to resell, or attempt to resell, any ticket, pass, token, or other form of fare media that has already been used by another passenger, or to solicit, collect, or attempt to collect any ticket, pass, token, or other form of fare media from a passenger, trash can, or other location with the intent to resell the ticket, pass, token, or other form of fare media. MTS reserves the right to confiscate any previously used or resold ticket, pass, token, or other form of fare media.

It is unlawful to purchase any used or unused ticket from any person or entity or purchase any fare media from any person or entity other than an authorized MTS ticket, pass, token, or other fare media sales agent or ticket vending machine.

If passengers are utilizing a Compass Card (as defined in MTS Ordinance No. 4), they must present their card to a fare Validator when entering a bus, prior to waiting in any fare paid zone, and prior to boarding a trolley. This procedure is known as "Tap or Tapping." Tapping is a condition precedent to utilizing MTS bus and trolley service and the Compass Card. It shall be unlawful for passengers to refuse to Tap, or to evade Tapping, or to attempt to evade Tapping when utilizing a Compass Card. MTS reserves the right to confiscate the Compass Card for noncompliance with this provision or the provisions of MTS Ordinance No. 4.

Section 13.4: Prohibited Conduct Onboard Transit Vehicles

It shall be unlawful for passengers or occupants while aboard a bus or trolley while the vehicle is transporting passengers in regular route service, contract, special, or community-type service within the MTS jurisdictional area to:

- A. Consume any food or beverage, except that passengers may consume beverages while onboard a transit vehicle if the beverages are contained in a spill-proof or screw-top container or bottle. Examples of such spill-proof or screw-top containers or bottles include, but are not limited to, water bottles and soda bottles with screw tops, personal beverage containers with snap-on or screw-on lids, and coffee cups or mugs with snap-on or screw-on lids.
- B. Smoke or carry a lighted or smoldering pipe, cigar, cigarette, or tobacco or use any electronic smoking product or device that causes smoke, mist or vapor in any form.
- C. Operate any radio, tape player, speaker or other such instrument that is audible to any other person on a transit vehicle. This does not include use of headphones to play an audio device so long as it is not audible to any other person on a transit vehicle.
- D. Expectorate.
- E. Discard litter.
- F. Extend his/her head, hand, arm, foot, leg, or other portion of the body through any window.

- G. Interfere in any manner whatsoever with the operator or operation of any bus or trolley.
- H. Possess an open alcoholic beverage container, irrespective of whether the container is spill-proof or screw-top.
- I. Ride any bicycle, skateboard, or scooter.
- J. No person shall put his foot on any seat provided for any passengers on a bus or trolley, or place any article on such seat which would leave grease, oil, paint, dirt, or any other substance on such seat.
- K. No person shall activate without justification, mutilate, deface or misuse in any manner, any safety device or intercom located onboard a bus or trolley.
- L. No person shall ride upon the outside or roof of any bus or trolley.
- M. No person shall urinate or defecate in or upon unauthorized locations on the transit vehicle unless the person cannot comply as a result of a disability, age, or a medical condition.
- N. No person shall post or affix signs, advertisements, circulars, handbills, or written material on or within a transit vehicle.
- O. No person, except other individuals with a disability or elderly persons, shall fail to comply with any lawful request from MTS personnel to vacate Priority Seating if an individual with a disability or elderly person needs to sit in Priority Seating.
- P. No person, except other individuals with a disability using a wheelchair, shall fail to comply with any lawful request from MTS personnel to vacate a Wheelchair / Securement area if an individual with a disability using a wheelchair needs to use the Wheelchair / Securement area. This prohibition shall not include when:
 - 1) An individual with a disability, whom due to some disability related reason, needs to remain in the Wheelchair / Securement Area;
 - 2) An individual with a disability who uses a non-wheelchair mobility device that cannot, either for physical limitations or safety concerns, be located in any other area of the bus or trolley; or
 - 3) An elderly person, whom due to a physical limitation, needs to remain in the Wheelchair / Securement Area.

Section 13.5: Prohibited Actions on or About a Transit Facility

- A. No person (except MTS/SDTI/SDTC employees, agents, or authorized visitors) shall enter upon the roadbed, tracks, structures, right-of-way, or other parts of a transit facility, which are not open to passengers or to the public.
- B. No person shall drink any alcoholic beverage or possess an open alcoholic beverage container on or in a transit facility except on premises licensed therefor.
- C. No person shall sit, lie, or stand with any portion of his/her body extending within 8 feet 6 inches of the centerline of the outside rail on straight track or within 9 feet 6 inches of the centerline of the outside rail on curved track except while entering or alighting from a trolley stopped at that station.
- D. No person shall injure, deface, destroy, loosen, remove, or tamper with the transit facility.

- E. No person shall injure, mutilate, deface, alter, change, displace, remove, or destroy any sign, notice, signal, or advertisement on the transit facility.
- F. No person shall interfere with any lamp, electric light, electric fixture, or density on the transit facility.
- G. No person shall write, paint, or draw any inscription or figure on or deface any transit facility.
- H. No person shall disobey or disregard the notices, prohibitions, instructions, or directions on any sign posted on the transit facility.
- I. No person shall interfere with, encumber, obstruct, or render dangerous any transit facility.
- J. No person shall throw or project a stone or other missile at any trolley, bus or at any person or thing on or in the transit facility.
- K. No person shall throw or project a stone or other missile from any transit facility or transit vehicle.
- L. No person shall fail or refuse to comply with any lawful order or direction of any MTS inspector, security officer, whether an employee or designated agent of MTS, or any peace officer.
- M. No person shall do, aid, abet, or assist in doing any act which may be dangerous, harmful, or injurious to any person or property within the transit facility, said act being not specifically prohibited herein.
- N. No person shall put his foot on any bench provided for any passengers of the transit facility or place any article on such bench which would leave grease, oil, paint, dirt, or any other substance on such seat.
- O. No person shall urinate or defecate in or upon unauthorized locations on the transit facility unless the person cannot comply as a result of a disability, age, or a medical condition.
- P. No person shall post or affix signs, advertisements, circulars, handbills, or written material on or within the transit facility.
- Q. No person shall climb upon or jump the trolley couplers.
- R. No person shall discard litter in any transit facility.
- S. No person shall loiter in the immediate vicinity of any posted property.
- T. No person shall tailgate.
- U. Operate any radio, tape player, speaker or other such instrument that is audible to any other person at transit centers, trolley stations, bus shelters, and bus stops on public or private property. This does not include use of headphones to play an audio device so long as it is not audible to any other person.

Section 13.6: Animals

No person shall bring, carry unto, or convey upon the transit facility or transit vehicle, a dog, or other animal, unless it is completely enclosed in a carrying case, which can be accommodated in the lap of a passenger with no danger or annoyance to other passengers. This rule shall not apply to a service animal.

A service animal is trained to assist persons with disabilities. Such animals shall be properly harnessed when possible. The service animal must not occupy a seat or block a path of travel, including aisles and access doors. MTS reserves the right to inquire about the status of such animals, including whether an animal is a service animal and what task the service animal has been trained to perform.

Service animals must be under the control of the person at all times and must be housebroken. If person does not take effective action to control the service animal or if the service animal is a direct threat to the health or safety of passengers, personnel, MTS transit facilities or MTS transit vehicles, MTS can ask that the service animal be removed from MTS property.

In the event that an animal or service animal causes damage to any transit facility or transit vehicle, the person responsible for the animal or service animal may be liable for reimbursement to MTS for damages.

Section 13.7: First Amendment Activity

No person shall hold any meeting, perform any ceremony, make any speech, address or oration, exhibit, or distribute any sign, placard, notice, declaration, or appeal of any kind or description within any transit facility or upon any transit vehicle or platform without a First Amendment Activity Permit authorized per MTS Board Policy No. 62. First Amendment Activity is only allowed within Designated Areas as prescribed within MTS Board Policy No. 62.

Section 13.8: Commercial Activity

No person shall engage in any commercial activity on or about any transit facility, transit station or transit vehicle. Commercial Activity includes, but is not limited to, the following prohibitions:

A. No person shall advertise, exhibit, sell, or offer for sale, hire or lease any object, merchandise, service, event or other property interest, except concessions under contract to MTS or as authorized per MTS Board Policy No. 21.

B. No person shall engage in commercial photography, filming or recording unless authorized per a Right of Entry Permit. This prohibition on commercial photography, filming or recording does not include:

1) Use of photography or film through a handheld camera or phone for a transit passenger's own personal, non-commercial use. All transit passengers may use photography or film incidental to their transit uses within transit facilities, transit stations and transit vehicles provided the individual complies with all other sections of this Ordinance (e.g. Ord. 13 §§ 13.3 – Fares, 13.4 – Prohibited Conduct Onboard Transit Vehicles, 13.5 Prohibited Actions on or About a Transit Facility);

2) News media crews filming staged events, scheduled press conferences or other non-breaking news topics which require prior approval from the MTS Marketing Department; and

3) News media crews filming breaking news (an event that cannot be covered at any other time or location and the immediacy of the event does not allow for obtaining prior approval) are subject to reasonable restrictions and conditions, such as MTS staff and transit security monitoring and directing the activities to ensure safety.

Section 13.9: Bicycles

Bicycles are permitted on transit vehicles under the following conditions:

A. Bicyclists must be at least 16 years of age and have a valid proof of payment of fare.

B. Only one bicycle is allowed onboard a trolley during the hours of 6:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 p.m. weekdays. At any other time, no more than two bicycles per trolley will be allowed. No bicycles will be permitted in the aisle ways at any time.

C. On high-floor trolleys (2000 series trolleys), bicycles will be permitted to board trolleys at the rear doors only and must be placed against the rear driver's cab.

D. Bicyclists must remain with their bicycles at all times.

E. When part of a group charter, more than two bicycles per car may be permitted at the sole discretion of MTS.

Section 13.10: No Smoking or Use of Any Device That Causes Smoke, Mist or Vapor

No person shall smoke any materials, whether tobacco or any other product, using a cigarette, cigar, pipe, or any other apparatus, or utilize any smoking device, cigarette, cigar, pipe, electronic smoking product or other device that causes smoke, mist or vapor in any form at the following locations owned, operated, or controlled by MTS, SDTI and/or SDTC unless otherwise posted:

- A. Within 25 feet from any bus stop;
- B. Within 25 feet of any trolley station; and
- C. Within 25 feet of any transit facility.

Amended: 01/14/2016
Amended: 06/18/2015
Amended: 01/19/2012
Amended: 05/28/2009
Amended: 11/13/2008
Amended: 06/28/2007
Amended: 01/18/2007
Amended: 06/09/2005
Amended: 05/26/2005
Amended: 10/28/2004
Adopted: 08/09/2001

PASSED, APPROVED AND ADOPTED THIS 14th day of January 2016.



Chairman
San Diego Metropolitan Transit System

This Ordinance amendment was adopted by the following vote:

AYES: Alvarez, Bragg, Cole, Gastil, Gloria, Mathis, McClellan, McWhirter,
Minto, Rios, Roberts, Salas, Woiwode, Zapf

NAYES:

ABSENT: Mullin

ABSTAINING:

ATTEST my hand and the seal of the San Diego Metropolitan Transit System this 14th day of January 2016.



Clerk of the Board
San Diego Metropolitan Transit System

Approved as to form:



General Counsel
San Diego Metropolitan Transit System